

**REMARKS**

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-2, 4-10, 12-15 and 17-26 are pending in the application. Independent claims 1, 14 and 20 have been amended to better define the claimed invention. Claims 25-26 have been amended to improve claim language. The amended claims find solid support in the original specification and drawings, e.g., FIG. 4 (at rounded edge near 56 and 41, and bottom wall 52). No new matter has been introduced through the foregoing amendments.

The repeated rejections relying primarily on *Lovert* are noted. Although Applicants respectfully disagree with the Examiner's position for at least the reasons presented in the previous Amendment(s), further amendments have nevertheless been made by this paper to specifically avoid the reference. It should be noted that the above amendments have been made solely for the purpose of expediting prosecution and are not necessitated by the Examiner's rejections.

In particular, Applicants respectfully submit that the manner in which the *Lovert* bag 50 is inserted into the opening 40 is opposite to the claimed arrangement, i.e., the *Lovert* bag 50 is inserted from above the sheet 15, rather than from below the sheet 15 as presently claimed.

The collection bag 50 disclosed in *Lovert* is pushed through an opening in the top surface of the diaper; once full, it is also removed through this opening. Please see column 3, lines 38 to 48 and column 4, lines 13 to 15 of *Lovert*. Thus, the *Lovert* annular portion (the flange of the bag) is adapted to be detachably inserted from the side of the upper surface of the holder member (diaper) into the through-hole (opening) so as to form said protrusion (flange). In contrast, in the claimed invention, the annular portion is adapted to be detachably inserted from the side of the lower surface of the holder member into the through-hole so as to form the protrusion. This feature finds support in page 8, lines 10 to 15 of the description and also on page 9, lines 5 to 10, and figure 3.

As mentioned above, the collection bag of *Lovert* is pushed from above through the opening 40 which lies adjacent to the anal orifice of an infant. Once the bag is full, the inner and outer diapers of *Lovert* **must be removed** so that collection bag 50 can be accessed and removed through the body-contacting side of the opening. In contrast, in the claimed invention, the bodily discharge receiving member is insertable and removable from the outside of the article. As a result, once the bodily discharge receiving member is full of waste, it can be removed and replaced by another receiving member **whilst the holder member of the diaper is still *in-situ* on the infant**. This reduces the time taken to place a clean diaper on an infant. Also, it has the advantage that a walking-age infant can have his diaper quickly cleaned whilst he stands without removing the diaper. Thus, the claimed invention makes it significantly easier and quicker to clean a soiled diaper unlike the art of *Lovert*.

Thus, Applicants respectfully submit that the claims as finally rejected by the Examiner are in fact patentable over the applied art of record.

The independent claims have been further amended to highlight the above discussed distinction. Specifically, the independent claims now recite an "annular portion having an upper circumferential edge that is rounded" so as to facilitate the insertion of said annular portion from below said holder member through said through-hole." As can be seen in Fig. 6 of *Lovert*, upper edge 52 of the opening of bag 50 is pointed and cannot facilitate insertion of the bag 50 into opening 40 from below. The independent claims further recite that the discharge containing portion of the receiving member has "a bottom wall exposed on the lower surface of said holder member to an outside of said wearing article, for allowing access to and exchange of said receiving member from the outside of said wearing article." As can be seen in Fig. 2 of *Lovert*, the presence of layer 19 does not allow the bag to be inserted into hole 40 from below and layer 19 conceals bag 50 which is, therefore, cannot be exposed to the outside of the article.

The above discussed deficiencies of *Lovert* is not deemed curable by the teaching

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The above discussed deficiencies of *Lovert* is not deemed curable by the teaching reference(s), and therefore the independent claims, as well as the respective dependent claims, are patentable over the applied art of record.


Accordingly, all claims in the present application are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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